

PILLSBURY WINTHROP SHAW PITTMAN LLP

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*Counsel for Falcon Private Bank Ltd.*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION CORPORATION,	)	
	)	
	)	
Plaintiff-Applicant,	)	Adv. Pro. No. 08-01789 (SMB)
	)	
v.	)	SIPA LIQUIDATION
	)	
BERNARD L. MADOFF INVESTMENT SECURITIES LLC,	)	(Substantively Consolidated)
	)	
Defendant.	)	
In re:	)	
	)	
BERNARD L. MADOFF,	)	
	)	
Debtor.	)	
IRVING H. PICARD, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC,	)	
	)	
Plaintiff,	)	Adv. Pro. No. 11-02923 (SMB)
	)	
v.	)	
	)	
FALCON PRIVATE BANK LTD. (f/k/a AIG Privat Bank AG),	)	
	)	
Defendant.	)	

**FALCON PRIVATE BANK LTD.'S COUNTER-DESIGNATION OF  
ADDITIONAL ITEMS TO BE INCLUDED IN THE RECORD ON APPEAL**

Pursuant to Rule 8009 of the Federal Rules of Bankruptcy Procedure and Rule 8009-1 of the Local Bankruptcy Rules for the Southern District of New York, Falcon Private Bank Ltd. (f/k/a AIG Private Bank AG) (“Falcon”) respectfully submits this counter-designation of items to be included in the record on appeal of the Stipulated Final Order Granting Motion to Dismiss Complaint (the “Final Judgment”) before the United States court of Appeals for the Second Circuit. In addition to those items designated by the Trustee in the Trustee’s designation, the following additional items from the above-captioned adversary proceeding, *Picard v. Falcon Private Bank Ltd.*, Adv. Pro. No. 11-02923 (SMB) (Bankr. S.D.N.Y.), and the main docket, *Sec. Investor Prot. Corp. v. Bernard L. Madoff Inv. Sec. LLC (In re BLMIS)*, Adv. Pro. No. 08-01789 (SMB) (Bankr. S.D.N.Y.), are designated to be included in the record on appeal:

Designation No.	Date	ECF No. (11-02923)	ECF No. (08-01789)	Document
1	04/04/2017	103	15590	Certification of Direct Appeal to Court of Appeals
2	04/08/2016	--	13070	Letter on Behalf of the Subsequent Transferee Defendants in Response to Mr. Sheehan's April 7, 2016 Letter

Dated: New York, New York  
April 11, 2017

Respectfully submitted,

PILLSBURY WINTHROP SHAW PITTMAN LLP

By: /s/ Eric Fishman

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